REMARKS

This document relates to issues raised in the examiner's office action mailed July 9, 2008. In that office action, claims 1-5, 23-28, 42, 44 and 48 were rejected by the examiner under 35 U.S.C. § 103 in view of the primary reference Schlottmann (US20030064811). These claim rejections are respectfully traversed.

Claim 42 has been amended for clarification purposes. As amended, it is believed that the Examiner's objection to claim 42, as stated on page 2 of the Office Action, has been overcome.

On pages 2-3 of the Office Action, the examiner states that claims 1-5, 23-28, 42, 44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlottmann (US 2003/0064811). This rejection is respectfully traversed for at least the reasons stated herein.

In the Office Action, all presently pending claims were rejected under 35 U.S.C. § 103(a) as obvious in view of Schlottmann. Applicant respectfully submits that this rejection is improper and should be withdrawn for the reasons below.

35 USC § 102(e) provides:

> *[A person shall be entitled to a patent unless] the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language...*

35 USC § 103(c) provides:

> *(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.*

(2) For purposes of this subsection, subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if -

(A) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made;

(B) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

(C) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

It is respectfully submitted that Schlottmann (US20030064811) qualifies as prior art under 35 U.S.C. § 102(e), and further that the present application and the Schlottmann reference were both commonly owned by IGT or subject to an obligation of assignment to IGT at the time the present claimed invention was made. Moreover, as set forth under the provisions of MPEP 706.02(I)(1) and/or 35 U.S.C. § 103(c)(1), it is respectfully submitted that the Examiner is prohibited from basing an obviousness rejection of the presently pending claims on Schlottmann.

Accordingly, presently pending claims 1-5, 23-28, 42, 44 and 48 are believed to be allowable over the cited art of record.

Because claims 1-5, 23-28, 42, 44 and 48 are believed to be allowable in their present form, many of the examiner's rejections in the Office Action have not been addressed in this response. However, applicant respectfully reserves the right to respond to one or more of the examiner's rejections in subsequent amendments should conditions arise warranting such responses.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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/DEW/

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